

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SIXTEEN THIRTEEN MARINE S.A.,

08 CV 1318 (HB)

Plaintiff,

ECF CASE

-against-

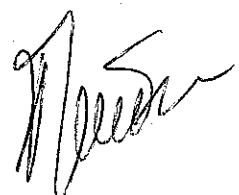
CONGENTRA AG,

Defendant.  
-----X

Declaration of Pavel Priymak

I, PAVEL PRIYMAK, BEING DULY SWORN DEPOSES AND SAYS:

- 1 I was involved in Chartering the M/V Nicholas M for time charter trip to St. Petersburg for Congentra AG of 6301 Bahnhofstrasse 12, Zug, Switzerland.
- 2 I am authorised by Congentra AG, the Defendant, to make this declaration on their behalf.
- 3 There is now produced and shown to me a bundle of true copy documents marked "PP1" where numbers appear in square brackets during the course of this declaration they are references to page numbers in the bundle.
- 4 I read, write and speak English.
- 5 I have read the declaration of Edward Eurof Lloyd-Lewis and can confirm that the contents of paragraphs 5 to 12 are correct. For ease of reference I adopt the same definitions as those used in the declarations of Edward Eurof Lloyd-Lewis and Konstantin Petrunin.
- 6 I have read the Amended Verified Complaint prepared by the Owners. As explained by Konstantin Petrunin, Owners' allegation that Congentra, in concert with OOO Euroweg Zerno and OOO Anteks persuaded Port State Control to board the Vessel and detain it so that we could embark on an evidence gathering exercise is absolutely untrue and denied.



- 7 I have read the declaration of Konstantin Petrunin and can confirm that paragraph nos. 6 to 26 accord with my recollection of events.
- 8 Like Konstantin Petrunin I have also made investigations with regard to the reason for Port State Control's boarding of the Vessel on 29 December 2007.
- 9 On 15 February 2008 I telephoned St Petersburg Port State Control to ask them why they had boarded the Vessel and detained it. I spoke with Mr Stupakov who had been one of the inspectors who had signed the Port State Control report. Initially, I asked him why Port State Control had targeted the Vessel for inspection? He explained to me that Russia was a member of the Paris MoU<sup>1</sup>. That in accordance with the Paris MoU they conduct inspections of foreign vessels visiting Russian ports. To assist them identifying those vessels which should be subjected to inspection they use the SIRENaC Information System which is maintained by the Paris MoU. The SIRENaC Information System produces a score or "target factor". The factors taken into account in calculating the target factor include, the vessel's flag and whether it is on the white, grey or black list<sup>2</sup>, age<sup>3</sup>, whether the vessel has been detained within the last 12 months<sup>4</sup>, and number of deficiencies identified on the last four inspections within the last 12 months<sup>5</sup>. According to Mr. Stupakov at the time of the Vessel's visit to St Petersburg she had a target factor of 69 [pg 13] which is considered to be very high, by analogy Section 3.2 of the Memorandum provides that vessels not subject to the expanded inspection regime with a score of more than 50 should be inspected on a regular basis. However, irrespective of the value of the target factor a vessel will be considered to be an overriding priority for inspection if a ship has been the subject of a report or complaint by a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship<sup>6</sup>; and/or ships which have been suspended or withdrawn from their class for safety

<sup>1</sup> Paris Memorandum of Understanding on Port State Control.

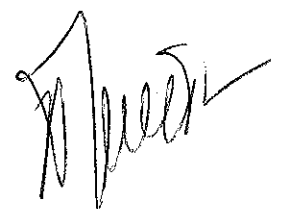
<sup>2</sup> The Vessel is flagged in St Vincent and Grenadines. Vessels flagged in St Vincent and Grenadine are on the Paris MoU black list and considered to be of medium to high risk within this category [pgs 1-3].

<sup>3</sup> The Vessel's keel was laid in 1977.

<sup>4</sup> The Vessel was detained in Nantes-St Nazaire in April 2007 with 28 deficiencies [pg 4].

<sup>5</sup> The Vessel was inspected in Belfast, UK in January 2007 with 18 deficiencies identified, France in April 2007 with 28 deficiencies identified and detained and St Petersburg in August 2007 with 20 deficiencies identified [pgs 5-12].

<sup>6</sup> See Annex 1 section 1.1.4 the identity of the person lodging the report or the complaint must not be revealed to the Master or the shipowner [pg 14].

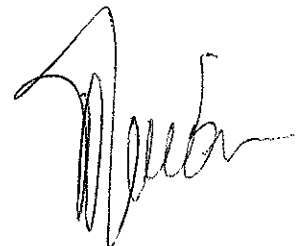


reasons in the course of the preceding 6 months<sup>7</sup>. Clearly, the MV NICHOLAS M was therefore an overriding priority for inspection by Port State Control on any one of the foregoing criteria under the Paris MoU.

- 10 I also learned from my discussion with Mr Stupakov that if a vessel flies the flag of a State appearing in the black list as published in the annual report of the MoU and has been detained more than twice in the course of the preceding 24 months in ports of the member states as per 3.10.5 of the MoU she shall be refused access to any port within the region<sup>8</sup>. Owners say that after the vessel left St Petersburg that she was not permitted to enter another port in the area to take a cargo due to the Baltic Ice Campaign Regulations. I do not know what these regulations are but according to what I do know it is that every nation which borders the Baltic Sea is a member of the Paris MoU. It therefore seems to me that the reason that the Vessel could not put into another Baltic port is because Owners are being wary of the risk that the Vessel will be inspected again and detained and will not be permitted entry in the future to Paris MoU ports. I would therefore question why the Vessel spent so long in the Gulf of Finland waiting for employment.
- 11 In paragraph no. 12 of the Amended Verified Complaint Owners' allege that Port State Control eventually released the Vessel without any serious deficiencies having been found that would warrant detention. The website of the Paris MoU provides information on basic appeal procedures in Paris MoU member States [pgs 15-28]. With regard to the Russian Federation it says that under the Russian Constitution any person or company can appeal to the Civil Court. I also telephoned Port State Control again and spoke with Nemirov Alexander Dmitrievich to find out what a shipowner who considered that his vessel had been wrongfully detained could do. I was informed that a shipowner has the right of appeal under the Merchant Shipping Code of the Russian Federation. In the first instance they should appeal to the port sea administration of St Petersburg or directly to the Civil Court. I was informed by Port State Control that the Owners of the MV NICHOLAS M had not appealed. In the absence of a successful appeal I therefore do not understand on what basis Owners are able to assert that the deficiencies did

<sup>7</sup> See Annex 1 section 1.1.6 [pg 14].

<sup>8</sup> See 3.10.5 Paris MoU.



not warrant the Vessel's detention. Especially as BV thought the damage to the aft hatch cover of hold no. 6 was so bad as to warrant the withdrawal of the Vessel's certificates until repairs could be conducted.

**I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.**

**Executed this 4th day of March 2008, Moscow, Russian Federation.**

Signed:

A handwritten signature in black ink, appearing to be "M. Medvedev", written over a horizontal dotted line.

# **EXHIBIT PP-1**

## Black - Grey - White lists

	Inspection s 2004- 2006	Detention s 2004- 2006	Black to Grey limit	Grey to White limit	Excess Factor
Flag					
Black List					
Korea, DPR	397	135	37	Very high risk	8,70
Albania	344	98	32		6,84
Bolivia	36	10	6		4,09
Comoros	326	63	31		3,95
Georgia	718	126	62	High risk	3,76
Slovakia	202	39	21		3,65
St.Kitts and Nevis	40	10	6		3,53
Syrian Arab Republic	170	32	18		3,38
Honduras	116	22	13		3,11
St Vincent and the Grenadines	2450	296	193	Medium to high risk	2,34
Cambodia	526	69	47		2,27
Lebanon	169	24	18		2,03
Brazil	38	7	6	Medium risk	1,79
Egypt	157	19	17		1,40
Belize	622	59	55		1,22
Morocco	170	18	18		1,02
Grey List					
Panama	6877	514	517	446	0,96
Taiwan	45	6	6	0	0,93
Turkey	1968	154	157	119	0,92
Algeria	138	14	15	4	0,90
Ukraine	583	48	51	30	0,84
Mongolia	47	5	7	0	0,75
Jamaica	41	4	6	0	0,68
Thailand	235	18	23	10	0,61
Faroe Islands	82	5	10	1	0,41
Austria	36	2	6	0	0,41
Croatia	204	13	21	8	0,40
Dominica	101	6	12	2	0,39
Tunisia	39	2	6	0	0,38
Azerbaijan	117	7	13	3	0,38
Bulgaria	318	20	30	14	0,36
Dominican Republic	30	1	5	0	0,30
Russian Federation	2706	177	212	187	0,22
Poland	145	7	16	5	0,22
Latvia	113	5	13	3	0,21
India	143	6	16	4	0,14
Ireland	183	8	19	7	0,11
Lithuania	293	14	28	13	0,08
Romania	79	2	10	1	0,08
Korea Republic of	158	6	17	5	0,06
Vanuatu	122	4	14	3	0,06
Japan	65	1	8	1	0,04
Malaysia	125	4	14	4	0,04

White List					
Kuwait	32	0	5	0	0,00
Saudi Arabia	49	0	7	0	0,00
Israel	50	0	7	0	-0,04
Antilles, Netherlands	740	37	64	40	-0,15
Malta	4226	247	324	268	-0,17
Gibraltar	800	39	68	44	-0,22
Estonia	177	4	18	6	-0,57
Switzerland	65	0	8	1	-0,57
Cayman Islands	403	13	37	19	-0,62
Iran Islamic Republic of	262	7	26	11	-0,64
United States of America.	189	4	20	7	-0,68
Cyprus	2852	120	223	177	-0,71
Greece	1513	52	123	89	-0,89
Barbados	346	8	33	16	-0,92
Belgium	161	2	17	5	-0,96
Antigua and Barbuda	4407	157	337	280	-0,98
Spain	278	5	27	12	-1,04
Portugal	548	13	49	28	-1,07
Hong Kong, China	1125	31	93	64	-1,09
Bahamas	3434	98	265	215	-1,21
Liberia	3069	79	239	191	-1,31
Netherlands	2957	74	230	184	-1,33
Luxembourg	166	1	18	6	-1,34
Italy	1150	23	95	66	-1,40
Norway	2686	59	210	166	-1,43
Singapore	892	16	75	49	-1,43
Denmark	1245	24	102	72	-1,44
Man Isle of	836	14	71	46	-1,47
Philippines	200	1	20	8	-1,52
Marshall Islands	1365	24	112	80	-1,52
France	269	2	26	11	-1,54
Germany	1194	19	99	69	-1,56
Bermuda	282	2	27	12	-1,58
China	290	2	28	13	-1,60
Finland	559	6	50	29	-1,63
Sweden	959	11	81	54	-1,71
United Kingdom	1573	19	127	93	-1,75

Three year detention rate per Recognised Organisation (2004-2006)  
Cases in which more than 60 inspections are involved

		Inspections*	detentions	Low/ medium limit	Medium/ high limit	excess factor	Performan- ce level
Register of Shipping (Korea, DPR)		184	17	7	0	5,07	Very Low
Register of Shipping (Albania)	RS	340	23	12	2	3,73	
International Register of Shipping (USA)	IS	565	30	17	5	2,89	
INCLAMAR (Cyprus)	INC	145	7	6	0	1,40	Low
Shipping Register of Ukraine	SRU	361	11	12	2	0,89	Medium
International Naval Surveys Bureau (Greece)	INSB	626	17	19	6	0,86	
Bulgarski Koraben Registrar	BKR	159	5	7	0	0,77	
Hellenic Register of Shipping (Greece)	HRS	784	18	23	9	0,67	
Honduras Int. Surveying Inspection Bureau	HINSIB	64	2	4	0	0,65	
China Corporation Register of Shipping	CCRS	102	2	5	0	0,49	
Isthmus Bureau of Shipping (Greece)	IBS	177	3	7	0	0,42	
Indian Register of Shipping	IRS	129	2	6	0	0,41	
RINAVE Portuguesa	RP	74	1	4	0	0,40	
Panama Maritime Documentation Services	PMDS	157	2	7	0	0,33	
Polski Rejestr Statkow	PRS	1.027	17	28	13	0,28	
Panama Register Corporation	PRC	132	1	6	0	0,24	
Croatian Register of Shipping	CRS	325	4	11	2	0,23	
Korean Register of Shipping	KRS	599	6	18	6	0,01	
Russian Maritime Register of Shipping	RMRS	7.106	61	162	122	-0,94	High
Turkish Lloyd	TL	1.219	6	33	16	-1,00	
Bureau Veritas (France)	BV	9.628	46	216	169	-1,42	
Lloyd's Register (U.K.)	LR	12.786	62	282	229	-1,43	
Nippon Kaiji Kyokai (Japan)	NKK	6.096	27	140	103	-1,43	
American Bureau of Shipping	ABS	4.845	15	113	80	-1,58	
China Classification Society	CCS	907	1	26	11	-1,64	
Germanischer Lloyd (Germany)	GL	12.688	35	280	227	-1,67	
Registro Italiano Navale (Italy)	RINA	2.628	5	65	40	-1,69	
Det Norske Veritas (Norway)	DNV	11.874	26	263	212	-1,74	

p=0,02  
q=0,01

\*Where a country is shown after a Recognized Organization this indicates its location and not necessarily any connection with the maritime administration of that country



Equasis - Ship search - Result list

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## Port state control info

<b>PSC Organisation :</b>	Paris MoU
<b>Authority :</b>	France
<b>Port of inspection :</b>	Nantes
<b>Date of report :</b>	2007-04-10
<b>Detention :</b>	Yes
<b>Duration :</b>	9
<b>Number of deficiencies :</b>	28
<b>Type of inspection :</b>	More detailed inspection

## PARTICULARS AT THE TIME OF THE INSPECTION

**IMO number :** 7433452  
**Name of ship :** NICHOLAS M  
**Call sign :** J8B2680  
**Gross tonnage :** 22912  
**Type of ship :** Bulk Carrier  
**Year of build :** 1977  
**Flag :** St Vincent and Grenadines

## STATUTORY SURVEYS AT THE TIME OF THE INSPECTION

Statutory inspections and certificates	Class/Flag	Issue date	Expiry date
Cargo ship safety equipment	Bureau Veritas	2007-04-16	2007-06-15
Cargo ship safety construction	Bureau Veritas	2005-10-13	2010-03-31
Cargo ship safety radio	Bureau Veritas	2005-10-13	2010-03-31
Oil pollution prevention (iopp)	Bureau Veritas	2005-10-13	2010-03-31
Load lines certificates	Bureau Veritas	2005-10-13	2010-03-31
Document of compliance (DoC)	International Naval Surveys Bureau	2003-01-21	2007-10-17

## CLASSIFICATION SURVEYS AT THE TIME OF THE INSPECTION

Class	Last survey	Status
Bureau Veritas	2005-10-13	Delivered

## NUMBER OF DEFICIENCIES PER CATEGORY

Category	Number
Accommodation	2
Alarm signals	1
Bulks carriers	1
Fire Safety measures	5
Propulsion & aux.	6
Working spaces and accident prevention	4

## GROUNDS FOR DETENTION

Deficiency	Number	Class related deficiency
Fire-dampers	1	No


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## PCS human element deficiencies

<b>PSC Organisation :</b>	Paris MoU
<b>Authority :</b>	Russia
<b>Port of inspection :</b>	Saint petersburg
<b>Date of report :</b>	2007-08-07
<b>Human element deficiencies :</b>	4

Following information is available :

[> Human element deficiencies per category](#)

### > HUMAN ELEMENT DEFICIENCIES PER CATEGORY

Category	Numbers
Accident prevention (ILO147)	2
Crew certificates	1
Working spaces and accident prevention	1

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## Port state control info

PSC Organisation :	Paris MoU
Authority :	Russia
Port of inspection :	Saint petersburg
Date of report :	2007-12-29
Detention :	Yes
Duration :	13
Number of deficiencies :	28
Type of inspection :	More detailed inspection

## PARTICULARS AT THE TIME OF THE INSPECTION

IMO number : 7433452  
 Name of ship : NICHOLAS M  
 Call sign : J8B2680  
 Gross tonnage : 22912  
 Type of ship : Bulk Carrier  
 Year of build : 1977  
 Flag : St Vincent and Grenadines

## STATUTORY SURVEYS AT THE TIME OF THE INSPECTION

Statutory inspections and certificates	Class/Flag	Issue date	Expiry date
Document of compliance (DoC)	International Naval Surveys Bureau	2007-12-04	2012-10-17
Safety management certificat (SMC)	International Naval Surveys Bureau	2007-12-04	2008-05-03
Cargo ship safety equipment	Bureau Veritas	2007-08-13	2008-01-12
Cargo ship safety radio	Bureau Veritas	2007-08-13	2008-01-12
Load lines certificates	Bureau Veritas	2005-10-13	2010-03-31
Oil pollution prevention (lopp)	Bureau Veritas	2005-10-13	2010-03-31

## NUMBER OF DEFICIENCIES PER CATEGORY

Category	Number
Crew certificates	1
Fire Safety measures	1
Food and catering	1
Life saving appliances	2
Load lines	1
Maritime Security	1
Mooring arrangements (ILO 147)	2
Operational deficiencies	2
Propulsion & aux.	2
Radiocommunications	1
Safety of navigation	2
Ship's certificates and documents	2
Structural Safety	2
Working spaces and accident prevention	4

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 GROUNDS FOR DETENTION
 

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Deficiency	Number	Class related deficiency
Bulkheads corrosion	2	No
Cargo and other hatchways	1	No
Report and analysis of non-conformities, accidents	1	No

## » CHARTERERS

Charterer	Type of charterer	Address
CONCENTRA AG	Time charterer	Zugm Switzerland

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Equasis - Ship search - Result list

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### Port state control info

<b>PSC Organisation :</b>	Paris MoU
<b>Authority :</b>	Russia
<b>Port of inspection :</b>	Saint petersburg
<b>Date of report :</b>	2007-08-07
<b>Detention :</b>	No
<b>Number of deficiencies :</b>	20
<b>Type of inspection :</b>	More detailed inspection

#### PARTICULARS AT THE TIME OF THE INSPECTION

<b>IMO number :</b>	7433452
<b>Name of ship :</b>	NICHOLAS M
<b>Call sign :</b>	J882680
<b>Gross tonnage :</b>	22912
<b>Type of ship :</b>	Bulk Carrier
<b>Year of build :</b>	1977
<b>Flag :</b>	St Vincent and Grenadines

#### STATUTORY SURVEYS AT THE TIME OF THE INSPECTION

Statutory inspections and certificates	Class/Flag	Issue date	Expiry date
Cargo ship safety equipment	Bureau Veritas	2007-06-21	2007-08-21
Cargo ship safety radio	Bureau Veritas	2007-06-21	2007-08-21
Cargo ship safety construction	Bureau Veritas	2005-10-13	2010-03-31
Oil pollution prevention (IOPP)	Bureau Veritas	2005-10-13	2010-03-31
Load lines certificates	Bureau Veritas	2005-10-13	2010-03-31
Document of compliance (DoC)	International Naval Surveys Bureau	2003-01-21	2007-10-17

#### CLASSIFICATION SURVEYS AT THE TIME OF THE INSPECTION

Class	Last survey	Status
Bureau Veritas	2005-10-13	Delivered

#### NUMBER OF DEFICIENCIES PER CATEGORY

Category	Number
Accident prevention (ILO147)	2
Crew certificates	1
Fire Safety measures	4
ISM related deficiencies	1
Life saving appliances	1
Load lines	4
MARPOL annex I	1
Propulsion & aux.	2
Safety of navigation	2
Structural Safety	1
Working spaces and accident prevention	1

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**> CHARTERERS**

Charterer	Type of charterer	Address
TRAMP MEDITERRANEE	Voyage charterer	PYRAEUS Greece
UNIAPRO OY	Time charterer	Finland

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Emergency fire pump	1	No
Sanitary facilities	2	No
Propulsion main engine	2	No
Cleanliness of engine room	1	No
Maintenance of the ship and equipment	1	No
Means of control (opening, pumps) Machinery spaces	1	No

## » CHARTERERS

Charterer	Type of charterer	Address
TRAMP MEDITERRANEE	Voyage charterer	PYRAEUS Greece

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## Port state control info

PSC Organisation :	Paris MoU
Authority :	United Kingdom
Port of inspection :	Belfast
Date of report :	2007-01-03
Detention :	No
Number of deficiencies :	18
Type of inspection :	Expanded inspection

## PARTICULARS AT THE TIME OF THE INSPECTION

IMO number : 7433452  
 Name of ship : NICHOLAS M  
 Call sign : J882680  
 Gross tonnage : 22912  
 Type of ship : Bulk Carrier  
 Year of build : 1977  
 Flag : St Vincent and Grenadines

## STATUTORY SURVEYS AT THE TIME OF THE INSPECTION

Statutory inspections and certificates	Class/Flag	Issue date	Expiry date
Cargo ship safety equipment	Bureau Veritas	2005-10-13	2010-03-31
Cargo ship safety construction	Bureau Veritas	2005-10-13	2010-03-31
Cargo ship safety radio	Bureau Veritas	2005-10-13	2010-03-31
Oil pollution prevention (IOPP)	Bureau Veritas	2005-10-13	2010-03-31
Load lines certificates	Bureau Veritas	2005-10-13	2010-03-31
Document of compliance (DoC)	International Naval Surveys Bureau	2003-01-21	2007-10-17

## CLASSIFICATION SURVEYS AT THE TIME OF THE INSPECTION

Class	Last survey	Status
Bureau Veritas	2005-10-13	Delivered

## NUMBER OF DEFICIENCIES PER CATEGORY

Category	Number
Fire Safety measures	5
Food and catering	3
ISM related deficiencies	1
Life saving appliances	3
Load lines	3
Propulsion & aux.	2
Safety of navigation	1

## CHARTERERS

Charterer	Type of charterer	Address
RICE COMPANY	Voyage charterer	Roseville California U.S.A.

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### PCS human element deficiencies

**PSC Organisation :** Paris MoU  
**Authority :** Russia  
**Port of inspection :** Saint petersburg  
**Date of report :** 2007-12-29  
**Human element deficiencies :** 8

**Following information is available :**

> [Human element deficiencies per category](#)

▶ HUMAN ELEMENT DEFICIENCIES PER CATEGORY

Category	Numbers
Crew certificates	1
Food and catering	1
Mooring arrangements (ILO 147)	2
Working spaces and accident prevention	4

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С 08:00 27.12.2007 по 08:00 28.12.2007  
о стоянке и движении судов в морском порту "Санкт-Петербург"

СТОЯНКА СУДОВ  
у причалов и на рейдах порта по состоянию на 08:00 28.12.2007

№ п/п	Номер причала	Название судна	Флаг	Агент	Судовладелец	Вид работ
1	1пб	БАЛТИК ФОРЕСТ (ЛВ1)	Панама	НОВЫЕ АГЕНТЫ	BALTIC CARRI	Погрузка
2	3	██████████ (ЛВ4)	Мальта	ИНКОТЕК СТИМ	DELENA NAVIG	Погрузка
3	7пб 2	██████████ (ЛВ3)	Кипр	БАЛТИК МЕРКУ	ATLANTIK ACT	Погрузка
4	16пб 3/	██████████ (ЛВ4) ЛВ4 при Т < 8.984	Кипр	ИНКОТЕК СТИМ	ERATIRA NAVI	Выгрузка
5	17пб	██████████ (ЛВ4) Гр или Конт.	Нидерланды	ИНФЛОТ ВОРЛД	REDERIJ GERB	Погрузка
6	18пб	██████████ (ЛВ4)	О-в Мен	НОВЫЕ АГЕНТЫ	О-В-МЕН	Выгрузка
7	19	██████████ (ЛВ4)	Антигуа	КОМПАС ТРАНЗ	АНТИГВА	Выгрузка
8	20пб 24	██████████ (ЛВ4) ЛВ4 при Т < 7.98	Панама	СИ БРАЗЕРС	REF CRYSTAL	Погрузка
9	23пб 69	██████████ (ЛВ2)	Сент-Винсент	АНТЭКС	SIXTEEN THIR	Погрузка
10	26пб	РУСИЧ-10 (ЛВ2)	Мальта	АЛЕРС СПБ	RUSISH-10 LT	Выгрузка
11	27пб 15	██████████ (ЛВ4) ЛВ4 при Т < 8.8	Литва	АЛЬФА*	LIMARKO SHIP	Погрузка
12	34	АННЕ СИБИРЬ (ЛВ4)	Кипр	НЕПТУН	KG MS ANNE S	Выгрузка
13	36пб	КАП. КУРЕНТОВ (ЛВ4)	Мальта	СМП СПБ	SHIPLINE SIX	Выгрузка
14	38	ЛИСТЕР (ЛВ4) бывший Гранеборг	Гибралтар	АСТРА ШИПИНГ	REDERI AB UM	Погрузка
15	41пб	БЕЛЛАТРИКС* (-) бывший Ангелбург	Антигуа	ПЕРСЕЙ	BALLIMAR SHI	Выгрузка
16	42	ГЛОРИ (ЛВ2) ЛВ2 при Т < 4.0м	Сент-Винсент	МСК	TRANSGLOBAL	Погрузка
17	42/43	ВОЯЖЕР* (-)	Мальта	МЕРКТРАНС	МАЛЬТА	Погрузка
18	52	БУФОНА (ЛВ4)	Гибралтар	ТРАНСФЛОТ	OSTERSROMS R	Ожидание
19	56	РУСИЧ-9 (ЛВ2)	Мальта	ГАНГУТ	RUSICH-9 LTD	Погрузка
20	57	ФРИСИАН САН (ЛВ4)	Гибралтар	ТРАНСФЛОТ	BRIESE SCHIF	Погрузка
21	60пб 1	██████████ (ЛВ4)	Багамские о-	ИНФЛОТ ВОРЛД	ELBE MARITIM	Выгрузка
22	61	ГОТЛАНД* (ЛВ4) ЛВ4 при Т < 5.20	Нидерланды	АРГОШИПИНГ	GOTLAND NAVI	Погрузка
23	62	██████████ (ЛВ2)	Мальта	БАЛТАМЕРИКА	ABAVA SHIPPI	Выгрузка
24	64	АЛАНД* (ЛВ4)	О-в Мен	АРГОШИПИНГ	О-В МЕН	Погрузка
25	69	ГАРМ (ЛВ3)	Белиз	ТРАНСФЛОТ	COMERIA SHIP	Ожидание
26	71/72	АЛ-ДР СИБИРЯКОВ (ЛВ5)	Мальта	СМП СПБ	SHIPLINE ONE	Погрузка
27	71/72	ЦИМБРИС* (-)	Гибралтар	СОЛАР	ГИБРАЛТАР	Выгрузка
28	73 14	██████████ (ЛВ3) лед. пасп.	Мальта	ЕСТМА	NWS THREE BA	Погрузка
29	83	АЛЕКСАНДР Б. (ЛВ4) бывший МАЭРСК РУНДИК	Мальта	ЕВРО-ШИП	МАЛЬТА	Погрузка
30	85	██████████ (ЛВ4)	Великобритан	ЕВРО-ШИП	CIRIO SHIPPI	Погрузка
31	86пб	МАЭРСК-ВАНКОМЕР (ЛВ4)	Гибралтар	МАЭРСК	AQUARIUS SHI	Выгрузка
32	87	ФРАНКО* (ЛВ4)	Великобритан	НЕВА-ДЕЛЬТА	FRANCOF SHIP	Погрузка
33	101-В	ЛУГА (ЛВ5) ЛВ5 при Т < 5.25	Швеция	ГАЛФСТАР-ЭЙД	LUMI SHIP	Погрузка
34	101-В	МОТТИ (ЛВ4) ЛВ4 при Т < 5.528	Швеция	ГАЛФСТАР ЭЙД	LUMI SHIP OY	Погрузка
35	101-В	АТЛАНТИК НАВИГАТ (ЛВ3) ЛВ3 при Т < 10.15	Мальта	БАЛТИК МЕРКУ	ATLANTIC ENE	Погрузка
36	102пб 15	██████████ (ЛВ1)	Мальта	ПМС ШИПИНГ	GOODLUCK MAR	Выгрузка
37	106	ФЕРМИТА* (ЛВ1)	Норвегия	НЕВА-ДЕЛЬТА	UGLAND SHIP	Погрузка
38	112	ПРОСПЕРО (ЛВ4)	Швеция	ПЕТРОМАР СПБ	PARTREDERIE	Погрузка
39	1КС3лб 8	██████████ (ЛВ4) ЛВ4 при Т < 8.0	Либерия	БАЛТИК РИФЕР	AQUASHIP LTD	Погрузка
40	15КС3 14	██████████ (ЛВ4) старое назв. тх Пегги Доу	Либерия	БАЛТИК ШИПИНГ	HOWELL TRADI	Выгрузка
41	16КС3	██████████ (-)	Латвия	АФОС СПБ	BMGS	Погрузка
42	16КС3	██████████ (-)	Латвия	ГАЛФСТАР ЭЙД	JS CO BMGS	Ожидание
43	17КС3	СЕЛТИК СИ* (-)	Багамские о-	БАЛТИК ШИПИНГ	FORTUNE ISLA	Выгрузка
44	ВСМЗ-1пб 82	██████████ (ЛВ4) лед. пасп.	Камбоджа	СИ БРАЗЕРС	AGARA TRADIN	Выгрузка
45	ТЕТРАЛБ	СВ. ГЕОРГ ПОВЕДОН* (ЛВ2) лед. пасп.	Мальта	КОМПАС ТРАНЗ	VALDAY-3 LTD	Погрузка
46	РП-2пб	ИВАН ПРИБЫЛЬСКИЙ (ЛВ4)	Панама	ИНКОТЕК СТИМ	BAY NAVIGATI	Выгрузка
47	РП-5пб	ФРИСИАН САН (ЛВ4)	Гибралтар	МЕРКТРАНС	KG MS ROTER	Выгрузка
48	ВКЗ-1	ЛОГАН (-)	Либерия	МОРСКОЙ МИР	KAON LTD	Выгрузка

*Annex 1**Paris Memorandum of Understanding on Port State Control***Section 1 Priority inspections**

- 1.1 Regardless of the value of the target factor, as referred to in Section 1.2, the following ships shall be considered as an overriding priority for inspection:
- .1 Ships which have been reported by pilots or port authorities in accordance with section 1.5 of the Memorandum ;
  - .2 Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;
  - .3 Ships which have been the subject of a report or notification by another Authority;
  - .4 Ships which have been the subject of a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded; the identity of the person lodging the report or complaint must not be revealed to the master or the shipowner of the ship concerned;
  - .5 Ships which have been:
    - involved in a collision, grounding or stranding on their way to the port,
    - accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
    - manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or
    - otherwise operated in such a manner as to pose a danger to persons, property or the environment;
  - .6 Ships which have been suspended or withdrawn from their class for safety reasons in the course of the preceding 6 months.
  - .7 Ships which cannot be identified in the SIRENaC information system.
- 1.2 In determining the order of priority for the inspection of ships, the Authority shall take into account the order indicated by the target factor displayed on the SIRENaC information system. The following elements are relevant for the targeting factor:
- .1 Ships visiting a port of a State, the Authority of which is a signatory to the Memorandum, for the first time or after an absence of 12 months or more. In the absence of appropriate data for this purpose, the Authorities will rely upon the available SIRENaC data and inspect those ships which have not been registered in the SIRENaC following the entry into force of that database on 1 January 1993;
  - .2 Ships not inspected by any Authority within the previous 6 months;
  - .3 Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the Conventions, and the classification certificates, have been issued by an organization which is not recognized by the Authority;
  - .4 Ships flying the flag of a State appearing in the black-list as published in the annual report of the MOU

### **Appeal procedures in Paris MOU member States.**

When deficiencies are found which render the ship unfit to proceed or that poses an unreasonable risk to the environment, the ship will be detained.

The PSCO will issue a notice of detention to the master.

The PSCO will inform the master that the ship's owner/operator has the right of appeal. Appeal notice details can be found on the reverse side of the notice of the detention form and are various in the Paris member States.

The basic appeal procedures in the Paris MOU member States are listed below:

#### **Belgium:**

1. Appeal against the decision on account of the Belgian Shipping Act shall be made by the owner or master concerned and shall be made to the Maritime Board of Investigation through the president of the Court.  
Address:  
Voorzitter van de Onderzoeksraad voor de Scheepvaart  
Griffie onderzoeksraad Hof van Beroep  
Waalse Kaai 37  
2000 Antwerpen.
2. Appeal against the decision of detention on account of the Prevention of Pollution from Ships Act shall be made by the captain or owner, charterer or operator of the ship. The appeal shall be made to the Minister of Maritime Affairs and Shipping.  
Address:  
Minister van Vervoer  
Wetstraat 65  
1040 Brussel.
3. The appeal shall be made within 14 days after the detention and shall be in writing motivated.

#### **Bulgaria:**

1. In Accordance with the Administrative procedure Code of the Republic of Bulgaria each party, who is interested, is allowed to submit an appeal on the decision of detention within the deadline of 14 days from the date of the acknowledgement of the notice of the detention. The appeal must be in Bulgarian language as per Article 85 of the Administrative procedure Code of the Republic of Bulgaria. The appeal must be submitted to the Executive director of the Executive agency "Maritime administration"

through the regional directorate of the Executive agency "Maritime administration", where the notice of the detention was issued.

The addresses of the regional directorates of the Executive agency "Maritime administration" are as follows:

Directorate "Maritime administration – Varna"

Varna 9000

Bul. "Primorski" 5

Tel. + 359 52 / 684 922

Fax + 359 052 / 602 378

e-mail: [hm\\_vn@marad.bg](mailto:hm_vn@marad.bg)

Directorate "Maritime administration – Burgas"

Ul. "Kniaz A. Batenberg" 3

Tel. +359 56 / 875 775

Fax +359 056 / 840 064

e-mail: [hm\\_bs@marad.bg](mailto:hm_bs@marad.bg)

2. The decision for detention may be appealed directly to the court in accordance with the Administrative procedure Code of the Republic of Bulgaria, Article 148. The appeal must be submitted to the Regional Administrative court within the deadline of 14 days from the date of the acknowledgement of the notice of the detention. The appeal must be submitted through the regional directorate of the Executive agency "Maritime administration", where the notice of the detention was issued.

An appeal shall not cause the detention to be suspended.

#### **Canada:**

1. Appeal against the decision of detention on account of the Canadian Shipping Act shall be made by the owner or master concerned through the Consular Office of the flag State.
2. The appeal shall be made within 30 days after the date of detention and in writing to the Director General Marine Safety, by letter or telefax.

Address:

Director General (AMS)

Marine Safety Transport Canada

Place de Ville, Tower "C".

11th floor, 330 Sparks Street

Ottawa Ontario K 1A 0N5

Canada

Fax: (613) 993-8196

#### **Croatia:**

1. The party referred to in the Detention Order has the right to appeal to the Ministry of Marine Affairs, Transport and Communication, within the period of 7 days from the submission of the Detention Order.  
The appeal is to be submitted through this Harbourmaster's office.  
The appeal against this Detention Order does not suspend its execution.
2. In accordance with the Law on Administrative Procedure each party is allowed to submit the appeal on the inspector's order within the deadline of 15 days  
The party is informed on this right on every Administrative Order. (Detention form). An independent body within the Minister's cabinet deals, at the second level, with all appeals received in the Ministry, without any influence from the Transport Safety Inspectorate.
3. After that the unsatisfied party has the right to initiate the legal procedure within the Court, which does not postpone the execution of the Administrative Order.

**Cyprus:**

1. The decision of a surveyor to prohibit the sail of a ship pursuant to the provisions of Law 47(I)/2001 as amended may be challenged by objection brought forward before the Director by the owner, or the operator of the ship, or his representative in Cyprus.
2. The right to object shall be exercised in writing within a deadline of 48 hours of working days as from the time of the delivery of the notification of the prohibition of sail to the master. Any objection submitted shall not suspend the execution of the decision. The Director shall examine the objection and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it, pursuant to subsection (4), the latest within 48 hours of working days
3. The Director may decide –  
to confirm the challenged decision,  
to declare the challenged decision null and void  
to amend the challenged decision  
to issue a new decision in substitution for the challenged decision  
  
and shall communicate the decision he issues to the person filing the objection, as well as the master of the ship involved, if he is not the person making the objection.
4. The owner or the operator of the ship or his representative, may challenge by a hierarchical recourse to the Minister, any of the following decisions, concerning the ship and having been issued under Law 47(I)/2001 as amended by Law 27(I)/2004:



a decision of the surveyor for the prohibition of sail,  
(b) a decision of the Competent Authority for the prohibition of access to a port of Cyprus,  
a decision of the Director, issued as stated above

5. A hierarchical recourse before the Minister shall be exercised in writing within a deadline of 5 days from the service, of the notification of the challenged decision to the master of the ship.
6. The hierarchical recourse shall not suspend the execution of the decision.
7. The Minister shall examine the recourse and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it the latest within a deadline of 10 days.
8. The Minister may decide  
to confirm the challenged decision.  
to declare the challenged decision null and void  
to amend the challenged decision  
to issue a new decision in substitution for the challenged decision

and shall communicate the decision he issues, to the person filing the recourse, as well as the master of the ship involved if he is not the one making the objection.

**Denmark:**

1. If the detention is in accordance with the Act of the Safety at Sea:  
In pursuance of Section 21, para 1, of the Danish Act on Safety at Sea, the owner of the ship may appeal the detention to the Board of Detention;  
Vermundsgade 38C, Postboks 2605, DK – 2100 Copenhagen.
2. If the detention is in accordance with the Act on Protection of the Marine Environment:  
In pursuance of Section 51, para 5 & 8, of the Danish Act on Protection of the Marine Environment, the owner of the ship may in writing appeal the detention to the Board of Detention;  
Vermundsgade 38C, Postboks 2605, DK – 2100 Copenhagen.  
The appeal shall be received by the Board of Detention not later than 4 weeks after the date of the Notice of Detention as stated overleaf.

**Estonia:**

1. Appeal against the decision on account of the Estonian Maritime Safety Act shall be made by the owner or its representative concerned and shall be made to the Maritime Safety Division of Estonian Maritime Administration.

2. The appeal shall be made within 30 days after the detention.

Address:  
Estonian Maritime Administration  
Maritime Safety Division  
Lume 9  
10416 Tallinn  
Estonia

Fax: +372 6 205 706  
E-mail: [mot@vta.ee](mailto:mot@vta.ee)

**Finland:**

1. A party may file a claim for rectification of the supervising authority's decision based on the Act on the Supervision of the Safety of Ships (370/1995). The claim for rectification shall be addressed to the Maritime Safety Department of the Finnish Maritime Administration and lodged at the Registrars Office of the Finnish Maritime Administration in writing within the time limit. The supervising authority's decision may not be appealed. (Act 370/1995, para.: 18).

2. The claim for rectification shall be lodged within thirty (30) days of being served with the notice of the decision. However, the claim for rectification must be lodged not later than fourteen (14) days from the moment the master or shipowner learns of the decision concerning detention of the vessel. The day on which the notice is served will be disregarded when the number of days is calculated. If the time given ends on a Saturday, Sunday, Independence day, May 1st, Christmas Eve or on a public holiday, the demand may be lodged on the next working day.

3. The claim document shall indicate:

- the name and domicile of the party lodging the claim
- the decision being challenged, the specific parts of the decision being challenged, the amendments demanded and the grounds on which the claim for rectification is based and:
- the postal address and telephone number where notices relating to the case can be served.

If the right of action of the party lodging the claim is exercised by a legal representative, proxy or other party involved in the drafting document, said person's name and domicile should also be indicated.

The document shall be signed by the party lodging the claim or his/her legal representative or proxy.

4. The claim for rectification should be lodged at:



The Registrar's Office of the Finnish Maritime Administration  
Postal address : P.O.Box 171  
FIN-00181 Helsinki

Visiting Address:  
Porkkalankatu 5 Helsinki  
Tel: +358 204 48 4108  
Fax: +358 204 48 4273

**France:**

1. Appeal procedure.

According to French laws; article 41 decret no.:84-810 30 April 1984, the appeal procedure on a PSC Officer's decision is raised to chief of safety vessel center corresponding.

This appeal carries on a second PSC visit on board for a final decision at this level.

At last the final decision could be contested at the Administrative Court of Justice during a delay of 2 months. This delay does not suspend the effect of the initial decision of the PSC Officer.

2. Complaint:

Complaint against the PSC Officer's decision could be sent for investigation to the Ministry for Infrastructure, Transport and Housing, Direction Affaires Maritimes et des Gens de Mer, Bureau du Controle des Navires,  
3 Place de Fontenoy 75700 Paris 07 sp.

**Germany:**

1. A written appeal against the detention order may be lodged within one month of issue. Such appeal should be addressed to the See Berufs Genossenschaft,

Reimerswiete 2, 20457 Hamburg, Germany.

2. In accordance with the provisions of Section 80(2)(4) of the Code of Administrative Procedure, any such appeal will not suspend the detention.

**Greece:**

1. According to the provisions of Article 10 of Presidential Degree 88/97 which has implemented the EU Directive on PSC the owner / operator has the right of appeal against a detention, in accordance with the provisions of Article 45 of the Hellenic Code of Maritime Law.

The latter provides that the owner / operator has the right of appeal to the Minister of mercantile Marine within 30 days from the date of detention.

2. Following the decision of the Minister the owner / operator always keeps the right to address himself to an Administrative Court for further appeal on his case.

**Iceland:**

1. The official appeal procedures in Iceland are contained in Articles 24 and 25 of the Ship Survey Act No 35/1993, as amended, in Article 10 Regulation No 128/1997, as amended. The master of a ship is informed of the right of appeal on the bottom of the Notice of Detention.
2. Such an appeal should be addressed to the Ministry of Transport and Communications, c/o The Detention Committee (Farbannsnefnd). Appeals should be launched within 3 months of this Notice.

**Ireland:**

1. The owner/operator of a ship, or his or her representative in the State, may appeal against a detention decision taken by the Competent Authority but the lodging of such an appeal shall not cause the detention to be suspended.
2. An appeal under this Regulation shall lie to the judge of the Circuit Court in whose Circuit the port in which the ship is detained is located and shall be made within 7 days of the commencement of the detention.
3. On hearing an appeal under paragraph (1), the Court may confirm or vary the detention or allow the appeal.
4. A decision of the Circuit Court on an appeal under paragraph (1) shall be final, save that, by leave of the Court, an appeal from its decision shall lie to the High Court on a specified question of law.

**Italy:**

1. Official appeal procedure in case of a PSC detention:  
The right of appeal is foreseen by article 8.2 of the Ministerial Decree 432 of 19/4/2001 transposing EC Directive 95/21 on port State control.

This appeal procedure falls entirely under the responsibility of the jurisdictional authority.

By means of the notice of detention the master is informed, in writing, that the shipowner of the detained vessel or his representative in Italy can appeal against the detention order.

He is also informed that the appeal has to be addressed to the Tribunale Amministrativo Regionale within 60 days from the date of acknowledgement of the notice of detention. This time limit is increased of 30 or 90 extra days whether the complainant is located in another European country or outside Europe respectively.

The decision of the above regional court can be appealed at the Consiglio di Stato.

2. Mechanism for handling complaints on PSC inspections.

Complaints concerning PSC inspections carried out in Italian ports are considered and replied by the Italian Coastguard – safety of navigation department.

All interested parties (shipowner, classification society, flag State, etc.) can address their complaint to the PSC authority that carried out the inspection or, directly, to the main office in Rome at the following address:

Ministry of Infrastructure and Transport  
Italian Coastguard Headquarters  
Safety of Navigation Department  
International Affairs Office  
Viale dell'Arte 16 – 0144- ROME  
Fax: +39 06 59084918  
E-mail: [sicnavi@libero.it](mailto:sicnavi@libero.it)

Latvia:

Appeal against the decision of detention of the vessel shall be made in the written form by the owner or the master to the director of the Maritime Administration of Latvia within one month after the decision.

Address:  
Maritime Administration of Latvia  
Trijādības iela 5,

Riga, LV-1048, Latvia

Phone: +371 7062101  
Fax: +371 7860082

Lithuania:

1. Appeal against the ship detention according Port State Control Rules Ch.VII approved by Minister of Transport and Communications Order No. 3-23 dated 15 January 2004 shall be made by the ship's Master or ship owner to the Director of Lithuanian Maritime Safety Administration.
2. The appeal shall be lodged in writing within fourteen (14) days after the ship detention.  
Address:  
Lithuanian Maritime Safety Administration  
J. Janonio str. 24  
Klaipeda LT 92251  
Lithuania  
Fax. +370 46 469 600  
e-mail [msa@msa.lt](mailto:msa@msa.lt)
3. Following the decisions of director of Lithuanian Maritime Safety Administration the ship-owner/operator may appeal against to an Administrative Court in accordance with the procedure set out by the Law on Administrative Proceedings

**Malta:**

An appeal against a decision for detention or stoppage of operation or refusal of access may be made by means of an application before the Court of Appeal (Interior Jurisdiction).

An appeal for this purpose shall be filed within twenty days of the service of order of detention or stoppage of operation or the day of refusal of access, as the case may be, and shall be served on the Executive Director who shall reply thereto within ten days of notification.

If the owner or the operator of a ship or his representative in Malta shows to the satisfaction of the Court that: the matter did not constitute a valid basis for the relevant inspector's opinion, and there were no reasonable grounds for the inspector to form that opinion, the Court may award the owner such compensation in respect of any actual loss suffered by him in consequence of the detention or stoppage of operation or refusal of access as it deems fit.

The burden of satisfying the Court as to these matters, shall lie with the owner or the operator or his representative in Malta, as the case may be.

The Court shall also have regard, in coming to its decision, to any matters not specified in the order of detention or stoppage of operation or refusal of access Order that appears to it to be relevant as to whether the ship was not liable to be detained or refused access.

Where the Court decides, that the matter did not constitute a valid basis for the inspector's opinion, it shall either cancel the order of detention or refusal of access or shall affirm the order with such modifications as it may in the circumstances deem fit.

The Court shall include in its findings whether there was or not a valid basis for the order of detention or refusal of access.

Address:

The Technical Manager  
Malta Maritime Authority  
Maritime House

Lascaris Wharf  
Valletta VLT01  
Malta  
Telephone: +356 2125 0360  
Telefax: +356 2124 1460

**Netherlands:**

In case of detention on account of the Port State Control Act or the Wet Voorkoming Verontreiniging door Schepen (Pollution Prevention Act) appeal can be made by any party interested to the Minister of Transport and Water Management. The appeal shall be made within 6 weeks after the date of announcement of the detention, may be written in Dutch or English language and shall be sent to:

The Inspector-General  
Inspectie Verkeer en Waterstaat  
Toezicht Beheer Eenheid  
Unit Juridische Zaken  
P.O. Box 10700  
2501 HS Den Haag  
The Netherlands

The Inspector-General shall send the appeal without delay to the Minister of Transport and Water Management.

Appeals have to be duly signed and at least comprise the following information:

- a. Name, address and interest of appellant;
- b. Date of appeal;
- c. Date of detention and details of case against which the appeal is directed;
- d. Reasoning for lodging the appeal against the decision.

An appeal shall not cause the detention to be suspended.

The detention shall not be lifted until, according the professional judgement of the officer of the Netherlands Shipping Inspectorate, all the deficiencies have been rectified and until full payment has been made or an authorized payment guarantee has been given for the reimbursement of the costs (if applicable).

**Norway:**

According to the Act of 9 June 1903, No.7 relating to Public Control of the Seaworthiness of Ship, (the Seaworthiness Act) decisions concerning detention cannot be appealed.

However, the owner or master of the ship may bring the matter up for reconsideration by judicial survey before the country or town court where the ship is lying.

**Poland:**

1. The appeal against the detention may be made by the owner or the master of the concerned vessel through the Director of Maritime Office to the Minister for maritime Economy (00-928 Warsaw, ul. Chalubinskiego 4/6), within 14 days of the receipt of the document containing the Notice of Detention – according to the Code of National Administrative Procedures.

**Portugal:**

1. The Flag State, Classification Society and Company/Operator may appeal to the President of Instituto Marítimo-Portuário against the grounds of detention. This appeal will not cause the detention to be suspended. The burden of proof lies with the appealing entity.
2. A formal appeal against the administrative decision of detention may be presented to the maritime court of Lisbon, without suspension of the detention, (article 23rd of decree-law no. 195/98 of July the 10th.).
2. All inspections involving the detention will be taxed. The detention will not be lifted until full payment has been made or a sufficient guarantee has been given.

**Romania**

After the detention of a vessel, RNA (PSCO) shall inform the Master of that vessel about his right of appeal against the Notice of Detention.

The national legislation states:

1. In case of detention on account of a Port State Control inspection, the Owner, the Operator or the ship's official representative in Romania has, as compensation, the right of appeal, as foreseen in art.13 of the Ministerial Order 256 of 21/02/2006 transposing EC Directive 95/21 on Port State Control, as amended.
2. The appeal procedure is governed by the Law 554/2004, namely:
  - submitting the complaint to the General Director of the Romanian Naval Authority, address: Cladirea ANR, poarta nr.1, 900900 Constanta Port, Romania, not later than 30 days, as the first action of the appeal ;
  - If the result of the decision taken by RNA is still not satisfactory, the Owner, the Operator or the ship's official representative in Romania has the right of appeal against the Notice of Detention to Constanta Court of Appeal not later than 6 months from the issuing date of the Notice of Detention.
3. The appeal procedure does not lead to the suspension of the detention

**Russian Federation:**

1. In accordance with the Russian Constitution any person or company can appeal to the Civil Court.

Special appeal procedures against detentions are under investigation.

**Slovenia:**

1. In accordance with the Administrative procedure Law each party is allowed to submit the appeal on the inspector's decision of detention within the deadline of 15 day. The party is informed on this right on every administrative decision.
2. The legal department as an independent body within the Ministry of Transport deals with the appeal on a second level, without any influence from the Maritime Inspection Division.
3. The appeal documents shall be submitted through the Slovenian Maritime Directorate, Maritime Inspection Division.

Address:

Slovenian Maritime Directorate  
Maritime Inspection Division  
Kidričeva 46  
6000 Koper  
Slovenia

Fax: +386 5 66 32 145

**Spain:**

1. Against the decision of detention, which does not end the administrative procedures, an appeal may be presented, within one month, to the Director General de la Marina Mercante, within the scope of article 114 and alike the Spanish Law (Ley 30/92, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común) to the following official address:

Dirección General de la Marina Mercante,  
C/Ruiz de Alarcón 1, Postal District 20814, Madrid.

Article 114 of the Ley 30/92 requires the appeal to be presented in Spanish.

**Sweden:**



Appeal against the decision of detention may be lodged with the Östergötland County Administrative Court, not later than three weeks from the day you were notified of this decision.

The original appeal documents, duly signed by an authorised person, shall be mailed to the:

Swedish Maritime Administration,  
Maritime Safety Inspectorate, S-601 78 Norrköping, Sweden.

### **United Kingdom:**

#### **Summary**

UK legislation provides for appeal and compensation for a master or owner against the issue of a notice of detention. The appeal is referred to an independent arbitrator for decision.

The Maritime and Coastguard Agency (MCA) also operates an administrative procedure to investigate complaints on any aspect of service provided by the MCA. The complaint may be referred to an independent adjudicator if necessary.

#### **Appeal and compensation – detention under Port State Control**

A guidance note on appeal procedure is issued at the time of detention.

A master or owner of a ship may appeal within 21 days against a notice of detention which has been served on the ground that the ship is dangerously unsafe or fails to comply with UK Merchant Shipping Acts. The right of appeal is contained in the Merchant Shipping Act 1995 and Merchant Shipping (Port State Control) Regulations 1995. The appeal does not suspend the detention.

A single arbitrator is appointed by agreement between the parties, or if agreement cannot be reached by a Judge of the High Court. The arbitrator, who must meet qualification criteria specified in the Act, is required to decide whether there was or was not a valid basis for the detention, but may take account of matters not specified in the detention notice if considered relevant to the detention. The burden of satisfying the arbitrator that there were no reasonable grounds for detention lies with the owner.

If the arbitrator decides that there was not a valid basis for the inspector's opinion he must either cancel the detention or confirm it with a modification. Otherwise he must confirm it.

In claiming compensation for an invalid detention the owner must satisfy the arbitrator that any matter did not constitute a valid basis for the inspector's opinion and there were no reasonable grounds for the inspector to form that opinion. If satisfied the arbitrator will award the owner compensation for loss arising from detention of the ship as he thinks fit.



There is normally no appeal against the decision of the arbitrator. However if the Master or owner is concerned that the law was clearly incorrectly applied or the arbitration conducted unfairly he may take legal advice on whether the High Court would overturn the decision on those grounds.

A notice of appeal should be sent to the MCA office issuing the detention order.

### **Complaint procedure**

This is an administrative procedure for dealing with a complaint from any person dissatisfied with the service provided by the MCA, which may include inspection and detention. The procedure is set out in Service Standards published in the MCA Business Plan.

A person dissatisfied with the service received may ask to speak to the Regional Manager or Headquarters Branch who will do all they can to resolve it straight away. Contact details are available from the MCA website at [www.mcga.gov.uk](http://www.mcga.gov.uk). MCA Headquarters may also be contacted by fax on +44 (0)2380 329104.

If not satisfied with the response, the complaint may be made to the Chief Executive who will make sure that the complaint is thoroughly looked into. MCA undertakes to acknowledge a written complaint within 3 working days and investigate and provide a full response within 15 days.

If the customer is dissatisfied with the way in which MCA has handled the complaint a request may be made for reference to an independent adjudicator. This does not remove the right for the customer to refer the complaint to their Member of Parliament or ask for referral to the national Parliamentary Commissioner for Administration (Ombudsman)

Our performance in meeting the service standard and the outcome of referrals are published each year in the MCA Annual Report which is also available on the website.